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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Bernie Attridge, Marion Bateman,
Chris Bithell, Derek Butler, David Cox,
Adele Davies-Cooke, Ian Dunbar, David Evans,
Veronica Gay, Patrick Heesom, Dave Hughes,
Kevin Hughes, Christine Jones, Richard Jones,
Richard Lloyd, Billy Mullin, Mike Peers,
Neville Phillips and Owen Thomas

18 July 2019

Nicola Gittins 01352 702345
nicola.gittins@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 24TH JULY, 2019** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

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Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

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AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 26th June 2019.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

**REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)
TO PLANNING COMMITTEE ON 24 JULY 2019**

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	059421 - A	Full Application - Erection of 23 No. Apartments and Associated Works at Bryn Awel Hotel, Denbigh Road, Mold (Pages 9 - 22)
6.2	053325 - A	Outline Application for the Erection of 10 No. Dwellings at Siglan Uchaf, Ruthin Road, Gwernymynydd. (Pages 23 - 34)
6.3	058561 - A	Retrospective Planning Application for the Retention of 4 No. Lighting Columns and Associated Luminaires, 1 No. Luminaire on Vehicle Height Barrier, and for the Installation of Lighting Hoods to Each Luminaire at Thomas Plant Hire Depot, Llwybr Hir, Caerwys. (Pages 35 - 44)
6.4	056875	General Matters - Full Application - Extension to Provide Storage in Connection with the Existing Lawful Use at Marcher Court, Sealand Road, Sealand. (Pages 45 - 48)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.5	059344	Appeal by Mr. I. Parry Against the Decision of Flintshire County Council to Refuse Planning Permission for Erection of a Two Storey Side/Rear Extension with Extension Over Gage at 16 Springfield Close, Connah's Quay - DISMISSED. (Pages 49 - 54)
6.6	058516	Appeal by Mr. S. Metcalf Against the Decision of Flintshire County Council to Refuse Planning Permission for Conversion of Disused Chapel to 2 No. Dwellings and Erection of 1 No. Detached Dwelling at Roman Catholic Presbytery, Brunswick Road, Buckley - ALLOWED. (Pages 55 - 60)
6.7	058212	Appeal by Lingfield Homes and Property Development Limited Against the Failure of Flintshire County Council Being Able to Give Notice Within the Prescribed Period of a Decision for Outline Application for Residential Development, Including Access, Open Space and All Associated Works at Woodside Cottages, Bank Lane, Drury, Buckley - ALLOWED. (Pages 61 - 68)

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PLANNING COMMITTEE **26TH JUNE 2019**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 26th June 2019

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Bernie Attridge; Chris Bithell; Derek Butler; David Cox; Adele Davies-Cooke; Ian Dunbar; David Evans; Patrick Heesom; Dave Hughes; Kevin Hughes; Christine Jones; Richard Jones; Richard Lloyd; Billy Mullin; Mike Peers; Neville Phillips and Owen Thomas.

APOLOGIES: Councillors: Marion Bateman and Veronica Gay

ALSO PRESENT: The following attended as local Members:

Councillor Cindy Hinds for agenda item numbers 6.2 (059373) and 6.4 (059613)

Councillor David Williams for agenda item numbers 6.2 (059373) and 6.4 (059613)

IN ATTENDANCE:

Chief Officer (Planning, Environment & Economy); Development Manager; Service Manager - Strategy; Team Leader - Planning; Planners; Senior Engineer - Highways Development Control; Senior Solicitor; and Team Leader - Democratic Services.

8. DECLARATIONS OF INTEREST

On agenda item 6.1 (059217), Councillor Christine Jones did not have a declaration of interest but stated she had made it clear she supported the application and would therefore speak only as local Member and she left the meeting once she had spoken and before the debate and vote took place.

On agenda item 6.1 (059217), Councillor Derek Butler did not have a declaration of interest but in accordance with the Planning Code of Practice, he declared that he had met with the applicant on more than three occasions but not in relation to that application.

9. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting and were appended to the agenda on the Flintshire County Council website:

<http://committeemeetings.flintshire.gov.uk/documents/s55311/Late%20Observations.pdf?LLL=0>

10. MINUTES

The draft minutes of the meeting on 29th May 2019 were submitted and confirmed as a correct record.

RESOLVED:

That the minutes be approved as a true and correct record and signed by the Chairman.

11. ITEMS TO BE DEFERRED

None of the items were recommended for deferral.

12. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)

RESOLVED:

That decisions be recorded as shown on the Planning Application schedule attached as an appendix.

13. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 17 members of the public and no members of the press in attendance.

(The meeting started at 1.00 p.m. and ended at 3.45 p.m.)

.....
Chairman

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PLANNING COMMITTEE ON 26TH JUNE 2019

ITEM NO	TOWN / COMMUNITY COUNCIL	SITE / PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
059514	Sealand Community Council	Application for Approval of Reserved Matters Following Outline Approval for the Erection of 283 No. Dwellings at RAF Sealand South Camp, Welsh Road, Sealand	Jan Lourens, the applicant, and Jon Penrose, the agent, spoke for a combined total of 3 minutes in support of the application.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions set out in the report, in line with the officer recommendation.
059373	Penyffordd Community Council	Full Application – Erection of a Convenience Store and Associated Car Parking Area at Millstone Inn, Hawarden Road, Penyffordd	Mr Walker spoke against the application. Mr R. Davies, the agent, spoke in support of the application, Mr A. Wright, Penyffordd Community Council, spoke in support of the application. Councillors Cindy Hinds and David Williams spoke on the application as local Members.	That planning permission be granted subject to the conditions set out in the report, in line with the officer recommendation.
059474	Shotton Town Council	Outline Application for the Erection of 14 No. Dwellings at Shotton Lane Social Club, 72 Shotton Lane, Shotton		That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions set out in the report, in line with the officer recommendation, noting that paragraph 2.01 be amended

ITEM NO	TOWN / COMMUNITY COUNCIL	SITE / PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
				to remove reference to North Street Children's Play Area, to be substituted with 33 Club Play Area, Shotton.
059613	Penyffordd Community Council	Full Application – Erection of a Single Storey Detached Dwelling House and Single Storey Garage Structure, Including all other Associated Works (retrospective) at Talossamme, Abbots Lane, Penyffordd	Mr D. Owen spoke against the application. Mr A. Wright, Penyffordd Community Council, spoke in support of the application. Councillors Cindy Hinds and David Williams spoke on the application as local Members.	That planning permission be granted subject to the conditions set out in the report, in line with the officer recommendation, with an additional condition on appropriate landscaping to be included.
058818	Buckley Town Council	Full Application – Erection of Two Dwellings and Detached Garage at Land Off Alltami Road, Buckley	Mr D. Owen, the agent, spoke in support of the application.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions set out in the report, in line with the officer recommendation, with condition number 4 to be expanded upon to undertake a survey of the existing hedge.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24TH JULY 2019**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **FULL APPLICATION – ERECTION OF 23 NO. APARTMENTS AND ASSOCIATED WORKS AT BRYN AWEL HOTEL, DENBIGH ROAD, MOLD.**

APPLICATION NUMBER: **059421**

APPLICANT: **WALES & WEST HOUSING**

SITE: **BRYN AWEL HOTEL, DENBIGH ROAD, MOLD.**

APPLICATION VALID DATE: **4TH JANUARY 2019**

LOCAL MEMBERS: **COUNCILLOR B LLOYD**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME /MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the erection of 23 No. apartments with associated car parking on the site of the former Bryn Awel Hotel, Denbigh Road, Mold. For Members information the application has been amended since its initial submission, and a further round of publicity and consultation has been undertaken.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of £733 per apartment in lieu of on-site recreational provision. The commuted sum payment would be used to enhance toddler play provision at Parkfield Play Area.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above), if not completed within six months of the Committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to **REFUSE** the application.

- 2.01
1. Time Limit on commencement.
 2. In accordance with approved plans.
 3. No demolition to commence until photographic survey of building undertaken.
 4. No development to commence until a scheme for the disposal of foul/land drainage has been submitted and approved. No unit to be occupied until the approved scheme has been implemented.
 5. No development to commence until a land contamination survey has been undertaken including measures to prevent ground water contamination.
 6. Siting, layout ,design of access to be submitted/approved.
 7. Forming and construction of access not to commence until details submitted and approved.
 8. Access to have a visibility splay of 2.4m x 43m.
 9. Facilities to be provided and retained for the parking and turning of vehicles.
 10. Traffic Management Plan to be submitted and approved
 11. Travel Plan/Transport Implementation Strategy to be submitted and approved.
 12. Construction Traffic Management Plan to be submitted and approved.
 13. Scheme for enhanced/secondary glazing to be submitted and approved.
 14. No window openings other than those approved to be introduced.
 15. Hard/soft landscaping scheme to be submitted/approved.
 16. Implementation of landscaping scheme.

3.00 CONSULTATIONS

3.01 Local Member Councillor B. Lloyd

Original Submission

Request site visit and planning committee determination. Express preliminary concerns with regard to the scale of development and inadequacy of car parking to serve the development

Amended Scheme

No response at time of preparing report.

Mold Town Council

Original Submission

Object for the following reasons:-

- 3 No storey units would be out of scale/character with the form of existing development.
- Inadequacy of parking
- Design/appearance/materials are not sympathetic to site/surroundings.
- Impact on privacy/amenity.

Amended Scheme

No response at time of preparing report.

Highways Development Control

No objection subject to the imposition of conditions in respect of access, visibility, parking/turning and the submission of Travel/Construction Management Plans and a Transport Implementation Strategy (TIS).

Community and Business Protection

No objection in principle but given the proximity of the site to Denbigh Road, recommend that any permission includes conditions in respect of the introduction of a suitable scheme for enhanced/secondary double glazing.

Dwr Cymru /Welsh Water

Request the imposition of a condition to secure a scheme for the disposal of foul/land drainage.

Cadw

No objection regarding the potential impact of development on the Scheduled Monument FL014 The Bailey Hill, Mold.

Clwyd Powys Archaeological Trust

Although the development appears to have limited sub-surface archaeological implications the proposals will affect a former late 19th century – early 20th century hotel building which retains elements of an original vernacular layout with internal/external facilities that are of local archaeological significance. In order to preserve a record of the building request photographic survey before development commences.

Natural Resources Wales

Request that any permission includes conditions in respect of land/ground water contamination.

Housing Strategy Manager

The Local Housing Market Assessment (LMHA) identifies an annual shortfall of 246 affordable units. The demand on the SARTH housing register for Mold is:

53 No. households needing 1 bed accommodation and 16 No. households needing 2 bed accommodation.

The scheme forms part of the Welsh Government Housing Grant programme and will help meet housing need in Mold.

Education

School: Ysgol Bryn Gwalia (Primary)

Current NOR (@ September 2016) 175 (excluding Nursery)

Capacity (@ September 2016) 210 (excluding Nursery)

No. Surplus Places: 35

Percentage of Surplus Places: 16.67%

School: Ysgol Maes Garmon (Secondary)

Current NOR (@ September 2016) is 537

Capacity (@ September 2016) is 711

No. Surplus Places is 174

Percentage of Surplus Places is: 24.47%

Primary School Pupils

School capacity 210 x 5% = 10.5 (10)

210 – 10 = 200 Trigger point for contributions is 200 pupils

(No. of units) 22 x 0.24 (primary formula multiplier) = 5.28 (5 No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £61,285.00

Actual pupils 175 + 5 (from the multiplier) = 180 does not meet the trigger

180-200= -20 x -£245,140 (cannot ask for more contributions that development generates)

Contribution requirement would be £0.00

Secondary School Pupils

School capacity of 711 x 5% = 35.55 (36)
Capacity 711 - 36 = 675 Trigger point for contributions is 675 pupils.

(No. of Units) 22 x 0.174 (secondary formula multiplier) = 3.83 (4)
No. of pupils) generated 4 x £18,469 per pupil (Building Cost multiplier) = £73,876.00

Actual pupils 537+4= 541 does not meet the trigger of 675

537 -675 = -138 x £18,469 = -£2,548,722.00 (cannot ask for more contributions that development generates)

Contribution requirement would be £0.00

Conclusion

Primary – Ysgol Bryn Gwalia, Mold

- It is **not** our intention to seek a Section 106 contribution.

Secondary – Ysgol Maes Garmon, Mold

- It is **not** our intention to seek a Section 106 contribution.

Public Open Spaces Manager

Report on off-site leisure contribution of £733.00 per apartment, in lieu of on-site Public Open Space. The monies being used to enhance toddler play provision at Parkfield Play Area.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification
Original Submission

15 letters of objection including a petition signed by 55 signatories, the main points of which can be summarised as follows:-

- overdevelopment of the site
- poor design given the sites visual prominence and impact on Bailey Hill a Scheduled Ancient Monument
- inadequacy of access/parking to serve the scale of development
- detrimental impact on the occupiers of nearby properties by way of dominance/overlooking

Letter received from David Hanson MP who requests that his constituent's objections be taken into account in determination of the application.

1 letter of support which considers that there is a need for family housing within the town.

Amended Scheme

1 letter received which whilst not objecting to the general principle of residential development on the site expresses concerns in respect of the adequacy of highways/parking and the scale/form of the proposed apartment blocks.

5.00 SITE HISTORY

5.01 038267

Change of use from 10 No. bed hotel block to 4 No. apartments, construction of pitched roof to existing flat roof – Refused 31st January 2006.

042746

Change of use from 10 No. bed hotel block to 4 No. apartments, construction of pitched roof to existing flat roof – Approved 30th August 2007.

045180

Demolition of existing hotel buildings and the erection of 22 No. apartments. Resolution to grant permission made at 29th October 2008 Planning & Development Control Committee. Refused November 2014 following a failure to sign legal agreement.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy STR8 – Built Environment.

Policy GEN1 – General Development Considerations.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality.

Policy D2 – Location & Layout.

Policy D3 – Design.

Policy D4 – Landscaping.

Policy TWH2 – Protection of Hedgerows.

Policy HE1 – Development Affecting Conservation Areas.

Policy HE6 – Scheduled Ancient Monuments & Other Nationally Important Sites.

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.
Policy HSG8 – Density of Development.
Policy HSG9 – Housing Type & Mix.
Policy HSG10 – Affordable Housing Within Settlement Boundaries.
Policy SR5 – Public Open Space & New Residential Development.
Policy EWP2 – Energy Efficiency in New Development.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.
Policy WB1 – Species Protection.

Additional Guidance

Planning Policy Wales (PPW)- Edition 10

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 13 – Transport

Supplementary Planning Guidance Note 2 – Space About Dwellings.

Supplementary Planning Guidance Note 11 – Parking.

7.00 PLANNING APPRAISAL

7.01 Introduction/Site Description

This is a full planning application submitted by Wales & West Housing Association for the demolition of the former (now vacant) Bryn Awel Hotel, Denbigh Road, Mold and the erection of 23 No apartments for social rent with associated car parking. The development takes the form of 2 No separate apartment blocks, varying in height from 2/3 storey, given the topography at this location, which is emphasised by the difference in site levels between High Street on the western boundary of the site and Denbigh Road on the eastern boundary..

7.02 The site which amounts to approximately 0.25 hectares in area is located in a prominent location on the edge of Mold Conservation Area and in close proximity to Bailey Hill, a scheduled ancient monument. The site is visible from a number of medium /long range viewpoints in the town particularly from

- i. The land to the North-East in the vicinity of buildings/footpaths around County Hall.
- ii. The Mold-Denbigh Road with Bailey Hill as a backdrop and
- iii. From the B5444 which is an important approach to the historic town centre.

The current buildings on the site are in a poor state of repair and although dating from late 19th and early 20th century have been extended /adapted over time in a manner which has eroded its intrinsic character. The current buildings vary in height from single to two storey.

7.03 In addition, the site is within the settlement boundary but outside the town centre boundary of Mold as defined in the Flintshire Unitary Development Plan. It is bounded to the eastern boundary partly by low density residential development in the form of bungalows at Henfordd and partly by Denbigh Road. To the north the current buildings share a party wall with the two storey traditional stone residential dwelling house 'Ffynnonfa' and to the south it adjoins the residential development of Shire View which is characterised by two storey dwelling houses. The site is bounded by High street to the west, the Conservation area boundary, and opposite The Mount, a detached residential property and the Scheduled Ancient Monument of Bailey Hill behind it.

7.04 Background History

For Members' information there is a previous background of planning history at this location which is referred to in paragraph 5.00 of this report. In summary it is was resolved at the Planning and Development Control Committee in 2008, to grant permission under 045180 for the erection of 22 No apartments in 2 No 2/3 storey blocks. The permission was not however issued at that time as the required legal obligation to secure a leisure commuted sum payment was not completed.

7.05 Proposed Development

The plans submitted as part of this application, propose the erection of 23 No apartments within 2 separate blocks within the site, with associated parking for 25 No vehicles and comprises:-

Block A

This is located on the lower part of the site adjacent to the sites eastern boundary at its closest point to Denbigh Road and adjacent to existing bungalows at Henfordd. The building would measure approximately 26m x 17m x 17m high and accommodate 11 No apartments (7 No 2 bed /4 1 bed) The building would be constructed having facing brick external walls and slate roof.

Block B

This is located on the upper part of the site adjacent to the B5444 and the existing development at Shire View. The building would measure approximately 27m x 16m x 22m high and accommodate 12 No. apartments (1 No. 2 bed/11 1 bed). The building would be constructed having facing brick external walls and a slate roof.

7.06 Vehicular access to serve the development is proposed as existing from the B5444.

7.07 Main Planning Considerations

It is considered that the main issues to be taken into account in determination of this application are:-

- a) principle of development.
- b) scale /form/design.
- c) impact on Bailey Hill a Scheduled Ancient Monument.
- d) adequacy of access/parking.
- e) impact on privacy /living conditions.
- f) boundary treatment /landscaping.

7.08 Principle of Development

The site is located within the settlement boundary of Mold a Category A settlement as defined in the Flintshire Unitary Development Plan, where the principle of housing development to meet general and social housing need is acceptable subject to the safeguarding of relevant development management considerations. In addition the proposal would provide the opportunity for the regeneration of the site/demolition of existing buildings which have been in a poor physical condition for a significant period of time. Although the scheme has been advanced as a Social Housing Scheme it falls below the threshold criteria as outlined in Policy HSG10 of the Flintshire Unitary Development Plan.

7.09 Scale/Form/Design

A detailed assessment of the scale/form/design of the proposed development has been undertaken in conjunction/consultation with the Council's Conservation Officer. It is considered that the scheme is a significant improvement on that previously supported by Planning & Development Control Committee in 2008 as it significantly reduces the scale/mass of the buildings proposed at that time; and further amendments to its form/design have been secured during progression of the current application.

7.10 The indicative density threshold within the Flintshire Unitary Development Plan is that on allocated sites within Category A settlements, development should seek to achieve a minimum density of 30 dwellings per hectare which for a traditional form of housing design would result in 7/8 dwellings. It is acknowledged that the density of 98 dwellings per hectare being proposed is higher than this figure and whilst it is expected that developments of brownfield sites in settlement boundaries should make efficient use of land an assessment of whether the scale of development being proposed is appropriate for the site and surroundings must be undertaken.

7.11 To this effect and whilst the concerns raised are duly noted, the site specifies and particularly the topography of the site is a fundamental factor in determination of the application. In this context it is considered that the density proposed can be assimilated within the 2 No. apartment blocks utilising the levels as proposed without representing overdevelopment at this location.

- 7.12 Concerns were expressed in respect of the initial submissions in relation to the incorporation of a number of contemporary features/cladding materials would be inappropriate at this sensitive location. As a result the amended scheme has simplified the external appearance of the buildings with wood cladding omitted, window details removed and vertical emphases strengthened. The use of facing brick for external walls and slate roof will also help to assimilate the development into the site/wider surroundings and in my view is acceptable subject to control over the use of materials.
- 7.13 Impact on Scheduled Ancient Monument.
Consultation has been undertaken with Cadw given the proximity of the application site to Bailey Hill, a Scheduled Ancient Monument. It has been confirmed by Cadw that there is no objection to the development. Whilst acknowledging that the development will be higher in the area closest to the castle than that which currently exists on site, Cadw consider that this will constitute a very slight change and will as a result have a slight, but not very significant impact on the setting of Bailey Hill.
- 7.14 Adequacy of Access/Parking.
Consultation on the application has been undertaken with the Highway Development Control Manager who in accord with planning policy and Supplementary Planning Guidance Note 11 – Parking, raises no objection to the development. This is principally based on the sites location which is in close proximity to the town centre and the accessibility statement submitted as part of the application, which supports a relaxation in the maximum parking standards given the site's sustainable location.
- 7.15 Impact on Privacy/Living Conditions
Of fundamental concern in consideration of this application is the need to ensure that the living conditions of the occupiers of existing dwellings are safeguarded from potential overlooking. To this effect there is no direct interface relationship between the proposed development and existing properties at The Mount, Henffordd and Shire View. The combination of blank gables/elevations/landscaping will help to minimise the impact of development and maintain privacy. Should members be mindful to support development it is recommended that this be subject to the imposition of a condition to prevent the introduction of new openings within the gable elevation of Block B adjacent to properties at Shire View. The interface distances between this proposal and the previous proposal are less than the scheme which Planning Committee resolved to approve in 2008.
- 7.16 Boundary Treatment/Landscaping
It is proposed that a number of car parking spaces to serve the development are located to the rear of existing bungalows at Henffordd. There is currently a well established leylandii boundary

hedge on the application site, which offers significant screening between the site/existing properties. As part of the development it is intended to secure the retention of this hedgerow but should it be required to remove it, an adequate replacement boundary treatment will be required on this boundary which can be secured by condition.

7.17 Other Matters

Third parties have raised concerns with the inaccuracies of the PAC report. The PAC report reflects the process undertaken by the applicant prior to submitting the planning application. A report setting out the action and the response made by the applicant in relation to the PAC process must be submitted by the applicant in order to submit a valid planning application. The concerns regarding inaccuracies have been noted however, they attract minor weight in the overall planning balance.

8.00 CONCLUSION

In conclusion and whilst noting the concerns/objections received regarding the impact of development proposed, it is considered that the amended scheme which has been received is a significant improvement on that previously supported under 045180, and initially submitted as part of the application. The proposal represents an acceptable form of development at this location, adapted to work with the topography of the site, and acceptable to both Cadw and the Council's Conservation Officer. In addition, there is no objection from a highway perspective and subject to the imposition of conditions the application is supported.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

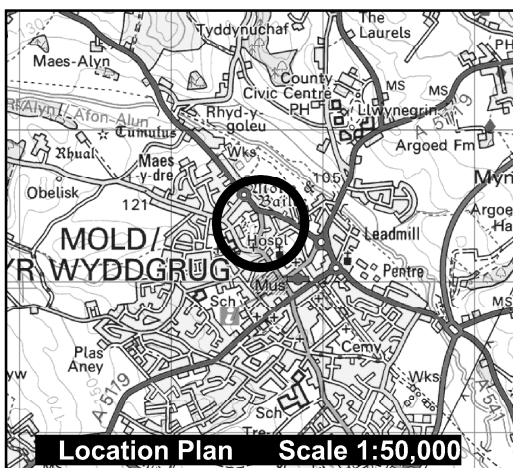
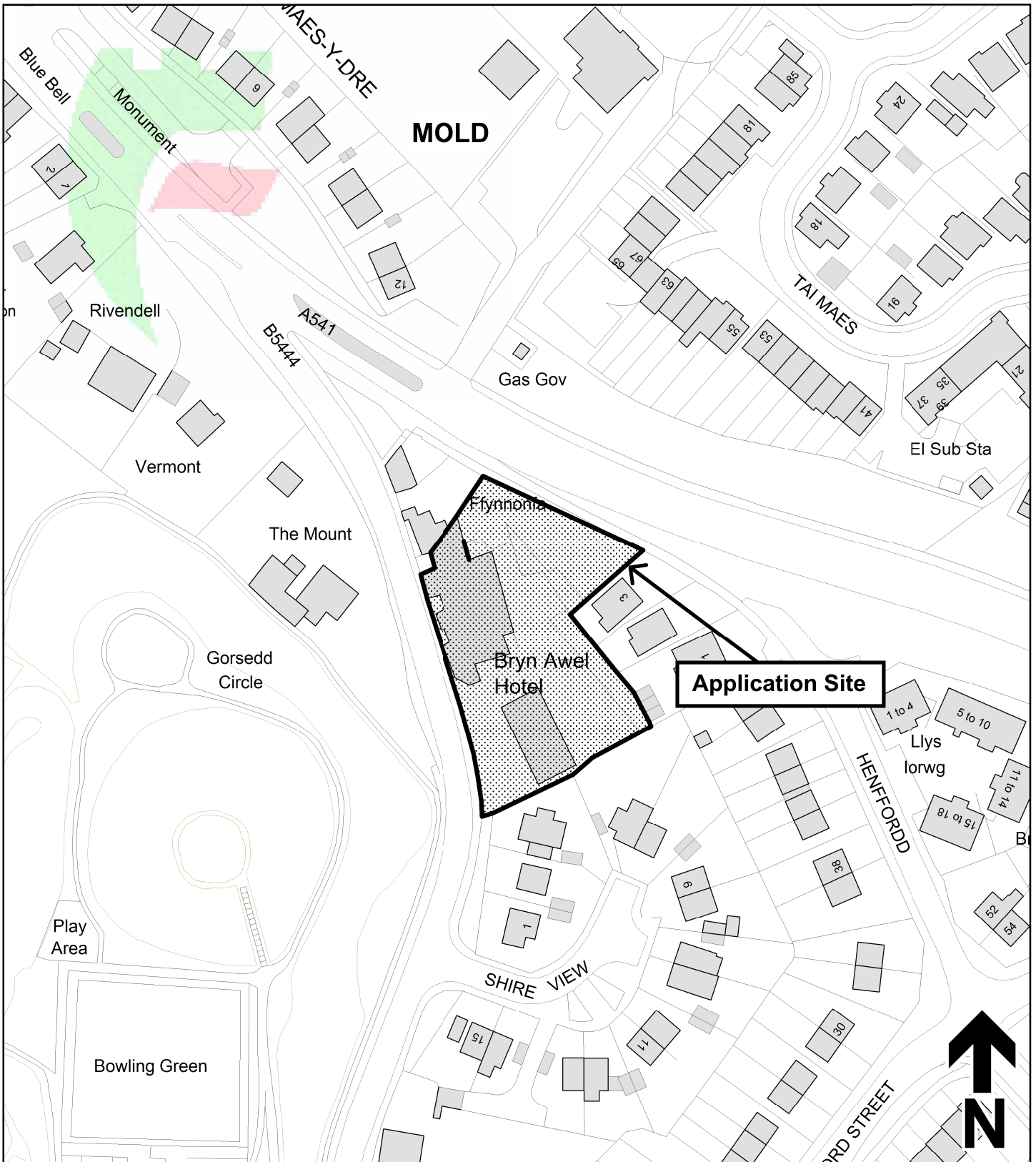
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity



Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: Robert.m.harris@flintshire.gov.uk



Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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OS Map ref SJ 2364

Planning Application **59421**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24TH JULY 2019**

REPORT BY: **CHIEF OFFICER OF PLANNING,
ENVIRONMENT & ECONOMY**

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF
10 NO. DWELLINGS AT SIGLEN UCHAF, RUTHIN
ROAD, GWERNYMYNYDD.**

**APPLICATION
NUMBER:** **053325**

APPLICANT: **MR & MRS PRICE**

SITE: **SIGLEN UCHAF,
RUTHIN ROAD,
GWERNYMYNYDD.**

**APPLICATION
VALID DATE:** **25TH MAY 2015**

LOCAL MEMBERS: **COUNCILLOR K. HUGHES**

**TOWN/COMMUNITY
COUNCIL:** **GWERNYMYNYDD COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBER**

SITE VISIT: **YES – LOCAL MEMBER REQUEST**

1.00 SUMMARY

- 1.01 This is an outline application with all matters except for access, reserved for subsequent approval. It proposes the erection of 10 No. dwellings on land adjacent to Siglen Uchaf, Ruthin Road, Gwernymynydd.
- 1.02 Whilst all other matters are Reserved, the applicant has provided an indicative series of drawings indicating how the site may be developed. Members are reminded that these details are purely indicative.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement or providing a unilateral undertaking which provides for the following;

1. Ensure the payment of a commuted sum equivalent to £1100 per dwelling in lieu of on site play and recreation provisions. Such sum to be paid to be used as a contribution towards the enhancement of existing recreation facilities at Llys Enfys Play Area, Gwernymynydd. Such sum to be paid upon occupation of 50% of the approved dwellings.

2.02 Conditions

1. Outline - Time limit
2. Outline - Details of reserved matters
3. In accord with approved plans
4. Outline - Submission and approval of site levels
5. Access visibility of 4.5m x 120 in an easterly direction and 4.5m x 94.5m in the westerly direction. Splays to be substantially complete before any other development upon site.
6. Submission of detailed siting, layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement.
7. Access to be as Dwg No. 45788/PO01 Rev. P
8. Scheme for parking & turning facilities, to include construction traffic, to be submitted & agreed.
9. Land contamination investigation prior to any development.
10. Remediation scheme to be submitted and agreed prior to any sites works. Implemented prior to occupation of any dwelling approved.
11. Wheel washing facilities to be provided for the duration of construction works.
12. Scheme for comprehensive foul and surface water drainage system to be submitted and agreed. No drainage to connect to trunk road drainage system.
13. Materials and finish colours to be submitted and agreed.
14. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.
15. Scheme for enhanced glazing to be submitted and agreed.
16. Site is crossed by public sewer. No development within 3 metres either side.
17. Garage fronts to be 5.5m behind footway or 7.3m from edge of carriageway.
18. Access gradient to be 1 in 24 for minimum of 10m and a maximum of 1 in 15 thereafter.

2.03 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Kevin Hughes

Requests that the planning application be determined by the Planning Committee due to concerns over the proposed highway access.

Gwernymynydd Community Council

Objects to the proposal for the following reasons:

- Highway safety issue with the proposed access/egress point onto the busy A494;
- Inadequate visibility is demonstrated;
- There would be surface water run-off onto neighbouring properties, particularly the Haulage Yard which already suffers from flooding – the proposals dwellings would exacerbate the problem;
- There would be a problem with the foul water system as a result of adding further dwellings to an already overstretched main;
- Concern expressed with regard to underlying mine shafts and the stability of the ground;
- The application suggests that the proposed development site is a brownfield site, whereas the Community Council considers Siglen Uchaf to be a small holding; and
- The development does not accommodate an open space/play area facility, which is contrary to Flintshire County Council's planning policy.

Highways DC

No objection subject to the imposition of conditions.

Pollution Control

No objections. However, records indicate that the site is in an area of extensive lead mining. Therefore, recommend that a condition for a contaminated land site investigation is attached to any approval. In addition to this it is requested that conditions are considered for a scheme of enhanced glazing as the site is adjacent to a busy main road.

Public Open Spaces Manager

In accordance with Local Planning Guidance Note No. 13 'Public Open Spaces', the Authority is seeking an off-site capital contribution of not less than £1,100 per dwelling in order to enhance existing

recreation provision at the existing children's play area at Llys Enfys Play Area.

Dwr Cymru/Welsh Water

No objections. Recommends the imposition of a condition requiring proposed drainage scheme to be submitted and agreed. Request the imposition of a note in relation to the proximity to a public sewer.

Natural Resources Wales

No objections. Considers the proposals would not adversely impact upon the nearby AONB.

Airbus

No aerodrome safeguarding objection to the proposal.

Coal Authority

Advises that standard advice applies. Accordingly, The Coal Authority raises no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Welsh Government - Transport

No objections. Requests the imposition of conditions in relation to the submission and agreement of access details, access width, parking and turning facilities, wheel wash during construction phase and highway visibility splays.

SP Energy Networks

SP Energy Networks have plant and apparatus within the area of the proposed development, the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the electrical apparatus.

Wales & West Utilities

No objections to the proposal, however, apparatus may be at risk during construction works and the promoter of the works should be advised to contact Wales & West Utilities directly.

AONB Joint Advisory Committee

No objection to the principle of residential development. Considers a lower density proposal will, subject to the details, have a less urbanising impact than the previously refused scheme. Welcomes the retention of trees and hedges. Considers some provision of affordable housing should be sought.

4.00 PUBLICITY

- 4.01 This application has been publicised by way of the publication of a Press Notice, display of a Site Notice and Neighbour Notification letters. The application has been the subject of consultation on 4

occasions and 13 No. letters of objection have been received from local residents on the following grounds:

- Potential for parking on the roadside;
- Highway safety due to additional traffic and the access being located on the brow of a hill;
- Effect of additional drainage on lower properties;
- Contaminated land;
- Lacking detail re surface water and a sustainable urban drainage system should be implemented;
- The access/egress point onto the A494 will add more danger to an already busy road;
- Mine shafts in the area;
- Inconsistency of power supply to village; and
- In bad weather conditions there is an existing problem with vehicles not being able to access their properties and having to park in the lay-by. This problem will be exacerbated by the development when the new dwellings are inaccessible due to bad weather, resulting in the A494 being blocked.

4.02 1 No. letter of support has been received citing the visual betterment to the area from the proposed development and the provisions of houses in close proximity to Mold.

5.00 SITE HISTORY

5.01 043076

Residential development of 24 no. dwellings and associated works
Withdrawn 19/3/2008

042344

Demolition of existing buildings and erection of 24 no. two-storey detached dwellings and associated works including ground remodelling
Withdrawn 30/3/2007

048850

Erection of 18 No. dwellings and associated works
Refused 22.2.2013
Appeal DISMISSED 1.5.2014

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR7 – Natural Environment

Policy STR9 – Welsh Language and Culture

Policy STR10 – Resources

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries
Policy D1 – Design Quality, Location and Layout
Policy TWH1 – Development Affecting Trees and Woodlands
Policy L2 – Area of Outstanding Natural Beauty
Policy AC13 – Access and Traffic Impact
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries
Policy HSG8 – Density of Development
Policy D1 - Design Quality, Location and Layout
Policy SR5 – Outdoor Playing Space and New Residential Development

6.02 Local/Supplementary Planning Guidance Notes
SPGN 4 - Trees and Development
SPGN 13 - Open Space Requirements

6.03 National Planning Policy
Planning Policy Wales Edition 10 December 2018
Technical Advice Noise 11: Noise

7.00 PLANNING APPRAISAL

7.01 Site and its Surroundings
The site comprises some 0.9 hectares of land to the east of Siglen Uchaf. The site at its southern edge is below the level of the A494 (T) and then rises up to the hedgerow denoting the settlement boundary at the rear of the site. The site is bounded to the west by Ty Newydd and to the east by a haulage yard adjacent to Fernleigh, above which is a freestanding bungalow 'Rockland'. Mature trees which are the subject of Tree Preservation Orders are located to the north western end of the site.

7.02 The Proposed Development
This outline application proposes the development of this 0.9 hectare site for the purposes of residential development. All matters of detail, with the exception of matters relating to access are reserved for future consideration. Indicative details submitted suggest that the site could be developed for approximately 10 No. detached dwellings, together with the creation of a new vehicular access.

7.03 The Main Issues
It is considered the main issues for consideration in the determination of this application to be;

- The principle of development having regard to planning policy;
- Access and highway safety;
- Amenity Impact;
- Impact upon trees; and
- Public Open Space.

- 7.04 The Principle of Development
The site is located within the settlement boundary of Gwernymynydd which was identified within the adopted Flintshire Unitary Development Plan as a Category B settlement. Policy GEN2 identified a presumption in favour of the development of such 'windfall' sites.
- 7.05 Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development would be permitted in Category B settlements where it did not conflict with the planned housing provision for the County, as set out in the UDP, and does not conflict with Policy GEN1. The bringing forward of windfall sites such as this is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing in that housing development should be primarily directed towards such settlements. Members will be also be aware that the granting of windfall sites such as this will assist the council in maintaining a supply of housing land as it moves towards the completion of its Local Development Plan and is consistent with the strategy of the LDP.
- 7.06 Members are reminded that as this site is located within the settlement boundary, albeit not allocated for residential development, the requirements of developers as set out in the Councils Developer Guidance Note : Speculative Housing Development Proposals, do not apply to this site. It is considered therefore that the proposal accords with Policies GEN 2 and HSG3.
- 7.07 Access and Highway Safety
There have been objections received in relation to highway safety with reference to the busy A494 and potential dangers as a result of the additional point of access/egress for this development. The application has been modified during the course of consideration to include matters relating the proposed point of access as a matter for consideration at this stage. During consultation of this issue with both the Council Highways Officers and Welsh Government's Transport Officers, the application has been amended. Welsh Government have both considered and approved an application for a departure from standards in relation to an access onto a trunk road. The accepted details provide for a point of access comprising a 6m wide carriageway and visibility splays as detailed below.
- 7.08 Members will recall at a previous site visit, concerns were raised in relation to the extent to which visibility in a westerly direction could be achieved. The amended proposals provide for the required splay of 4.5m x 120m in the easterly direction and 4.5m x 94.5m in the westerly direction. The plan indicates that the existing leylandii hedge to the north of this westerly splay will be removed and new boundary treatment provide to the back edge of this splay.

7.09 It has been confirmed that subject to the imposition of conditions in respect of the construction details of the access, the minimum width of the carriageway, visibility splays as set out above, provision of off-road parking and turning facilities (construction compound) and the use of a wheel wash during construction, the proposals are considered acceptable and would not be detrimental to highway safety. Accordingly, there are no objections raised on the grounds of highway safety and the proposal complies with Policy AC13.

7.10 Amenity Impacts

Gwernymynydd is a village made up of varying house types and the immediate area is urbanised with a mix of forms of dwellings in the area, ranging from suburban semi-detached houses to the south side of Ruthin Road to more traditional farm houses and steadings to the north. The indicative details provided with the proposal provide for 10 No. detached dwellings. These proposals respond to the concerns outlined by the Inspector in his dismissal of the previous application upon this site. Members will recall that concerns were raised in relation to the impact of the proposed landform resulting from those proposals. He was especially concerned in respect of the proposed 4m criblock wall to the eastern edge of the site and its potential to impact upon both the visual character and appearance of the area and the living conditions of nearby residents.

7.11 Although the plans submitted in connection with the current application are indicative, the indicated layout is achievable and the dwellings shown, in terms of scale and layout would not seem incongruous with the character of built form in the locality. The indicative plans shows that No 10 proposed dwellings would be capable of according with the Council's Local Planning Guidance Note with regards to private amenity space and space about dwellings. The proposed dwellings are set back from the A494 and at a lower level, before rising in line with existing land gradient to the rear of the site, which is reflective of the built form in the rest of the village.

7.12 Taking these factors into account, and recognising that the details in this respect remain the subject of further submissions and agreement, it is considered the proposal would not impact unacceptably upon either visual or residential amenity. It is therefore considered the proposal could broadly comply with Policies STR1, GEN1, HSG8 and D1, D2 and SPGN 2.

7.13 Impact upon Trees

There are 4 No. Tree Preservation Orders on the application site, two on the rear boundary, one centrally located within the site and one on the left-hand side of 'Siglen Uchaf'. The centrally located Sycamore, by virtue of its location, has the potential to be damaged as a result of this development. However, the indicative layout provided in connection with this application illustrates that the proposed dwellings

and roads can be sited in order to ensure that the tree is protected and in addition, those amendments would result in the tree being a main visual feature when entering the site from the A494. Existing boundary hedges are generally retained and the proposed development will be further augmented with new planting across the site, such planting details will form part of the Reserved Matters application. A condition is suggested to be imposed to require tree and hedge protection measures and therefore the proposal would comply with Policy TWH1.

7.14 Public Open Space

Consultations with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community. The consultation has established that the sum requested should be used in connection with a project to enhance the existing play and recreation offer at the nearby Llys Enfys Play Area.

7.15 In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

7.16 Accordingly and in line with the emerging SGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 per dwelling is sought via a S.106 agreement to satisfy this requirement. The proposal would therefore comply with Policy SR5 and LPGN 13.

7.17 Other matters

Concerns have been raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows from new development. Both Natural Resources Wales and Dwr Cymru/Welsh Water have been consulted upon the drainage aspects of the proposal. They both advise that a condition is imposed requiring the submissions of a surface and foul water drainage scheme for the site. No objection to the proposals has been raised by Dwr Cymru/Welsh Water in relation to system capacity concerns.

7.18 Concern has also been raised in respect of the historical mining and contamination legacy upon the site. The Pollution Control Officer has advised that due to historical mining activities within the area, a condition should be placed upon any grant of planning permission requiring a site investigation being undertaken to identify any potential contaminants from this use and indeed all previous uses and if found identify how these can be remediated against. It is proposed to condition accordingly. In view of the fact that remediation measures can result in levels changes as a consequence of potential cover system, it is also proposed to condition that proposed site levels are

submitted as part of the Reserved Matters application. The Coal Authority have not raised any objection to the proposals.

- 7.19 Issues raised in respect of the consistency of the power supply to the village are not reflected in the responses of the power suppliers who have been consulted upon this matter and no issues in this regard have been highlighted.

8.00 CONCLUSION

- 8.01 It is considered that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

- 8.03 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

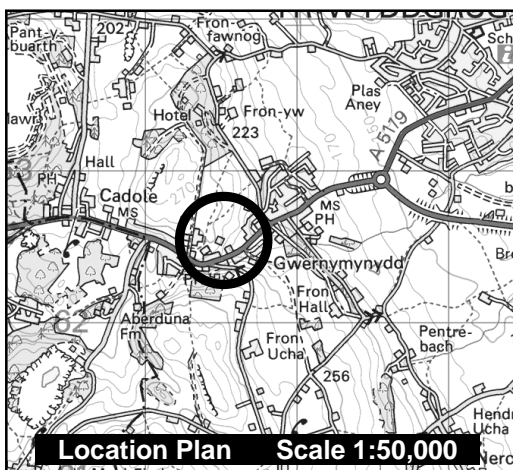
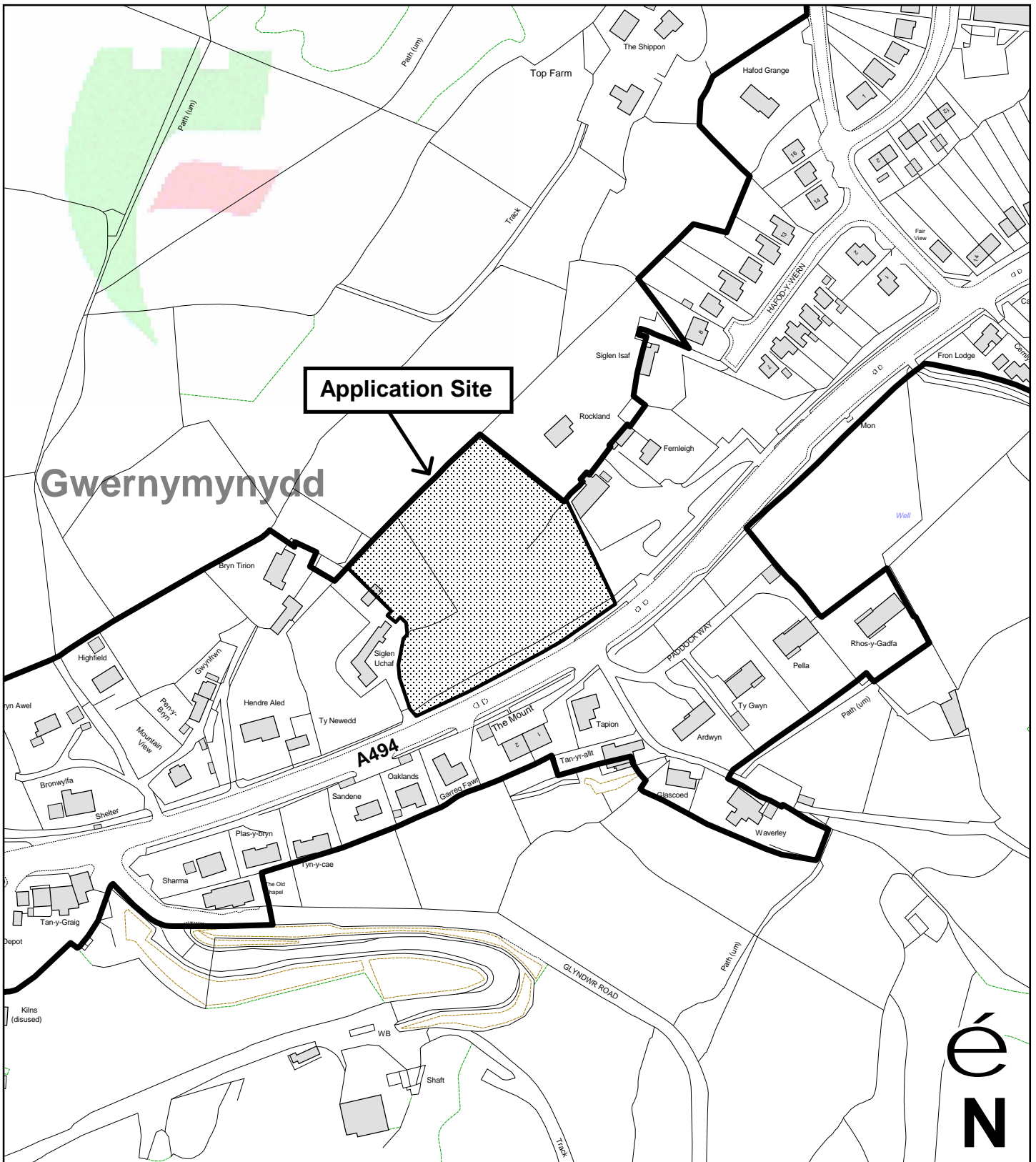
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

- 8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk



Planning, Environment & Economy,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2162

Planning Application **53325**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24TH JULY 2019**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF 4 NO. LIGHTING COLUMNS AND ASSOCIATED LUMINAIRES AND 1 NO. LUMINAIRE ON VEHICLE HEIGHT BARRIER AT THOMAS PLANT HIRE DEPOT, LLWYBR HIR, CAERWYS.**

APPLICATION NUMBER: **058561**

SITE: **THOMAS PLANT HIRE DEPOT, LLWYBR HIR, CAERWYS.**

APPLICATION VALID DATE: **12TH JUNE 2018**

LOCAL MEMBERS: **COUNCILLOR T. JONES**

TOWN/COMMUNITY COUNCIL: **CAERWYS TOWN COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER CONCERNS REGARDING IMPACT TO AMENITY**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the retention of 4no. lighting columns and associated luminaires and 1 no. luminaire on vehicle height barrier at Thomas Plant Hire Depot, Llwybr Hir, Caerwys. The application was submitted following involvement by Planning Enforcement and advice was provided to the applicant to avoid detrimental harm upon neighbouring properties, the character and appearance of the rural area and nearby AONB.

1.02 The application is considered acceptable in policy terms and will not have a detrimental effect on the living conditions of neighbouring occupiers in the locality, the highway network, the character and appearance of the rural area and the AONB.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. In accordance with approved details
 2. No illumination on site other than between the hours of 0545hrs and 1815hrs Monday to Saturday
 3. Luminaires must be LED and not exceed a maximum of 4000 Kelvins.

3.00 CONSULTATIONS

3.01 Local Member
Councillor T. Jones

I request this application to be referred to Planning Committee due to resident concerns over impact to amenity.

Caerwys Town Council

1) The lighting hood units should be adjustable, so as not to shine into neighbouring properties 2) The strength of the lighting should not be more than is required by legislation for Health and Safety.

Community and Business Protection

I can confirm that I have no adverse comments to make regarding this proposal.

Highways Development Control

I can confirm I raise no objection to the proposal, in principle, and I do not intend to make a recommendation on highway grounds.

In addition, please ensure that the attached Supplementary Notes are issued to the applicant as part of any planning consent which may be granted with particular reference to Clause 9 and Public Footpath no19A that crosses the application site edged red.

Street Lighting

Following additional information from the applicant in the form of a detailed light specification, the Councils Street Lighting Manager has confirmed that the lighting is acceptable subject to conditions. Photographs of the current lights will be retained to ensure no alterations are made at a later date.

Welsh Government

I refer to your consultation and advise that the Welsh Government as highway authority for the A55 trunk road does not issue a direction in respect of this application.

Clwydian Range and Dee Valley AONB Joint Committee

The Joint Committee notes that the proposed lighting hoods have been removed from the application but no other substantive changes have been made to the scheme. In this context, the committee remains concerned about the development and would restate the comments made below from their response dated 12.07.18. (set out below)

The Joint Committee deplores the retrospective nature of this application and has serious concerns about the proposals. The AONB is working to secure formal dark sky status and although the site is outside the AONB, the scale and extent of external lighting at the depot does impact on the tranquil, dark character of the AONB, particularly when viewed from the higher ground of the protected landscape to the south and west. No details of light output or colour temperature are provided for the existing floodlight style luminaires, which are inappropriately aligned to allow light to spill upwards. The committee is also unconvinced that the proposed hoods will make a significant difference in this regard, and would recommend modern, fully shielded and dimmable LED luminaires with a lower output and maximum 3000 kelvin colour temperature. In addition, no details are provided for the three pre-existing lighting units along the eastern boundary, and the committee would recommend that these should also be included as part of an overall lighting plan for the site. No proposals for operational timing of the lights have been included with the application, but the committee would recommend that this should be kept to the minimum necessary and should be consistent with the permitted hours of operation for the site.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

4no. letters of objection received upon the following grounds:

- Impact upon residential amenity and lighting left on during unsociable hours.
- The effect upon highway safety
- Detrimental impact upon the rural character of the area and upon the AONB.

5.00 SITE HISTORY

5.01 052645

Change of use of the Sundawn Garden Centre to a plant hire depot, including the demolition of the existing garden centre buildings, the erection of a workshop building, and the conversion of the Teapot Cafe for use as ancillary office accommodation.

Refused 18.12.14. Allowed on appeal (APP/A6835/A/15/3005058) 29.01.16.

058770

Live application for removal or variation of a condition following grant of planning permission (052645). Extension of operational hours from 0600 to 1800 Mondays – Saturdays to 0500 to 2300 7 days a week – Refused 17.07.19

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

GEN1 - General Requirements for Development

GEN3 – Development in the Open Countryside

D4 – Outdoor Lighting

L1 – Landscape Character

L2 - Area of Outstanding Natural Beauty

EWP13 - Nuisance

Planning Policy Wales Edition 10 (December 2018)

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the retention of 4no. lighting columns and associated luminaires and 1 no. luminaire on vehicle height barrier at Thomas Plant Hire Depot, Llwybr Hir, Caerwys.

7.02 This is a retrospective application submitted following investigation by the Councils Planning Enforcement Team which seeks to regularise the use. The application was initially submitted with details to include lighting hoods which have now been removed. Further consultation has taken place.

7.03 Site Description

The application site is the former Teapot Café and Sundawn Garden Centre, which was allowed on appeal 29.01.16 for a change of use to a plant hire depot. The permission included the demolition of the garden centre buildings, the erection of a workshop building and the

conversion of the Teapot Café for use as ancillary office accommodation.

7.04 The site is situated in a rural location but with the A55 directly adjacent to the north. The land is fairly flat on a rectangular plot and is bound by mature hedgerows and agricultural land on 3 sides, which undulates gradually. There are several residential properties within close proximity to the site.

7.05 Proposed Development

The retrospective application seeks consent for the addition of 2no. lighting columns on the eastern side of the site and 2no. lighting columns on the west, along with a luminaire on the vehicle height barrier within the site, between the car park and the depot. The proposed lighting is in addition to the 3 pre-existing lights that were considered acceptable by the Planning Inspector during their determination of the appeal following the refusal of planning application 052645 by Planning Committee.

7.06 Background and Principle of Development

The application site has recent planning history, ref: 052645 Change of use of the site to a plant hire depot, erection of a workshop building, and the conversion of the Teapot Cafe for use as ancillary office accommodation. This was refused by Planning Committee 18.12.14 and thereafter allowed at appeal 29.01.16. The principle of the use has therefore been established.

7.07 The Inspector stated that the proposed use would be no less suitable than the former uses and would not look significantly out of place in the agricultural area. In coming to this conclusion the Inspector considered the retention of the lights from the former Teapot Café and Sundawn Garden Centre and made reference to the fact that at the time of the application there was no intention to provide additional lighting on the site. The existing outdoor lighting at the time of the application was therefore considered acceptable and conditions relating to the lighting were therefore not imposed.

7.08 Main Issues

The main issues are;

- Impact from light spillage adversely affecting the living conditions of neighbouring occupiers;
- Impact from light spillage onto the A55;
- Impact from light spillage close to the AONB and the open countryside location.

7.09 Impact on Residential Living Conditions

The representations received raise concerns in relation to the impact of the lighting on their residential living conditions. Members are reminded that the development site is close to the A55 and of the

context of lighting which exists in this location. The site also has a lawful consent to operate as a plant hire depot of which the Planning Inspector considered existing ancillary lighting to be acceptable in this location.

- 7.10 The applicant has provided evidence that the specification of the existing lights are LEDs at a maximum 4000k. These are consistent with the standard used by Flintshire County Council Street Lighting and do not present an unusual or unacceptable scale of illumination. As there is no requirement for the site to be illuminated outside the hours of business operation it is suggested to impose a condition to limit illumination to these times.
- 7.11 I draw members attention to the Community Council comments which refer to the installation of lighting hoods. The application before members is an amended scheme which confirms the removal of lighting hoods. This was subject to reconsultation, however the Community Council comments do not reflect this change. Whilst lighting hoods can be used to reduce light spillage, the impact of the lights without the hoods and the specification of the LEDs, which are at a maximum 4000k, consistent with the standard used by the County Council, it is considered that the amended scheme is acceptable.
- 7.12 The Local Authority has given due regard to Policy EWP13 in determining this application and having assessed the specification submitted, it is considered that light pollution will be kept to a minimum, avoiding any adverse effect on neighbouring residential amenity by implementing planning conditions as mentioned above.
- 7.13 Impact on the A55
The lighting specification has been agreed by the Councils Street Lighting Team. Furthermore, the Councils Highways Team have confirmed that they raise no objection to the proposal and do not intend to make a recommendation on highway grounds. The Welsh Government have also confirmed that they do not issue a direction in respect of the application with regards to the A55 trunk road. It is therefore considered there is no adverse impact on highway safety for users of the A55.
- 7.14 Impact on the AONB and Open Countryside
The site lies outside of the boundary but in close proximity to the Area of Outstanding Natural Beauty, however due to the nature of the application the Clwydian Range and Dee Valley AONB Joint Committee were invited to comment and due regard has been given to Policy L2.
- 7.15 The AONB Joint Committee have raised concerns in relation to the three pre-existing lighting units along the eastern boundary, which are

not included as part of this application and therefore cannot be considered.

- 7.16 The AONB Joint Committee also recommend that modern fully shielded dimmable LED luminaires with a lower output and maximum 3000k are provided. Whilst I have considered the recommendations made by the AONB Joint Committee, the site is outside of the designation, but is situated within the open countryside nonetheless, therefore regard has been given to the level of harm caused by the illumination upon the character and appearance of the landscape. It is considered that the increased illumination is offset by the sites close proximity to the A55 trunk road and Tremeirchion junction, which is well lit by artificial lights. As it currently stands there are also no restrictions on the type or usage of luminaires on site. Therefore a condition to restrict the type of light and operational hours of all illumination on site addresses some of the concerns raised by the AONB Joint Committee and by neighbouring occupiers.
- 7.17 The Kelvin Colour Temperature of the luminaires suggested by the AONB Joint Committee has been given due consideration, however given that the site is outside of the AONB and the specification used is in line with the standard specification used by the Council, the luminaires are considered acceptable and are consistent with other lighting schemes across the County.
- 7.18 Light spillage has been assessed and it is considered that there is minimal harm caused to the character and appearance of the landscape, the rural area and the AONB. The application meets the requirements of Policy L1 and Policy L2. Overall it is considered that this application will result in a betterment to the previous lighting scheme, which had no restrictions.

8.00 CONCLUSION

- 8.01 On balance it is considered that the proposal will maintain the standards of natural tranquillity and darkness which was previously created by the garden centre use and which was established by the allowed appeal with external lighting included. The proposed luminaire levels and hours of operation assist in avoiding any further adverse impact on the AONB.
- 8.02 It is considered that the proposal is in accordance with the relevant development plan policies, and having considered the objections received and all other matters I recommend that the application is approved.
- 8.03 Other Considerations
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no

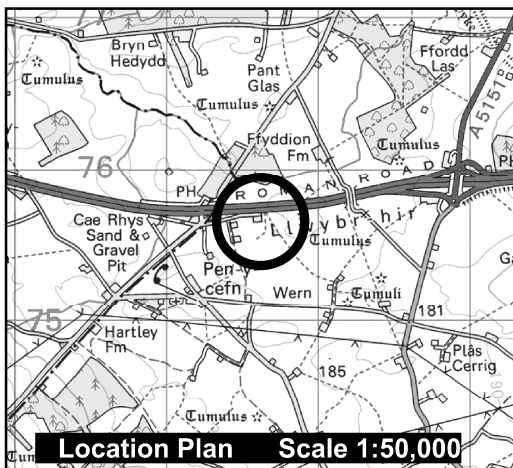
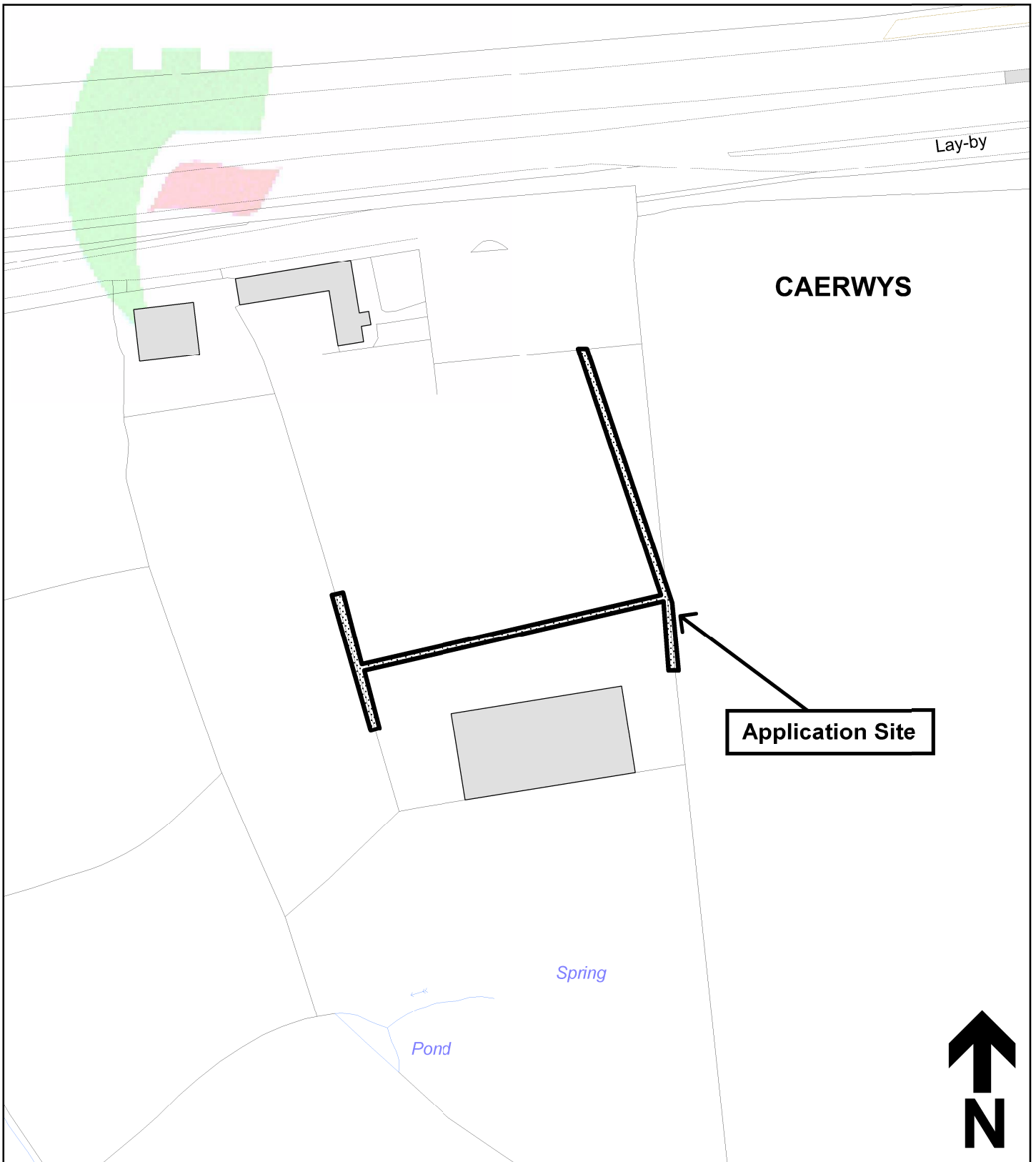
significant or unacceptable increase in crime and disorder as a result of the recommended decision.

- 8.04 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.05 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.06 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **58561**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 24 JULY 2019**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **056875 - GENERAL MATTERS - FULL APPLICATION - EXTENSION TO PROVIDE STORAGE IN CONNECTION WITH THE EXISTING LAWFUL USE AT MARCHER COURT, SEALAND ROAD, SEALAND.**

1.00 APPLICATION NUMBER

1.01 056875

2.00 SITE

2.01 Marcher Court
Sealand Road
Sealand
CH1 6BS

3.00 APPLICATION VALID DATE

3.01 28/07/2017

4.00 PURPOSE OF REPORT

4.01 To update the Planning Committee about negotiations regarding the proposed Section 106 Agreement relating to the Committee's resolution of the 8th of November 2017 to grant permission in respect of application 056878, and to request authority to enter into an agreement on different terms to those previously authorised by the Planning Committee.

5.00 REPORT

5.01 Members will recall that this application was considered at the Planning Committee held on 8th November 2017, where it was resolved to grant planning permission subject to conditions and a S.106 planning obligation.

5.02 The site is an existing employment site with a lawful use within the green barrier, this application offered the opportunity to rationalise the

use, particularly in relation to the storage, by replacing the ad hoc and obtrusive type of containerised storage around the site with a single bespoke building on the site. This, in effect, positively changes the context and appearance of the site by removing the container and open storage which is alien to this setting and replaces it with a building whose design is more in keeping with that expected for this converted farm complex. It was considered that this degree of betterment combined with the established lawful use, weighed significantly in favour of the proposal and would be less harmful than open storage in this Green Barrier location.

5.03 The committee resolved to grant planning permission subject to a S.106 planning obligation which would in effect remove all external storage on the site to ensure this betterment took place. Following this resolution, the applicant has been in negotiations with the Council in order to seek an amendment to the S106 prior to signing and issuing a decision. The applicant has stated that some limited external storage will be needed in order for the continued operation of the business. This storage take the form of the overnight parking of one heavy goods vehicles within the loading bay, and the siting of one refuse and one recycling container on the adjacent land.

5.04 It is considered that given proposal will still provide for a significant the reduction to the impact on the green barrier, by the erection of a purpose built storage building with some controlled external storage in place of unrestricted ad hoc external storage, the proposal does not conflict with the overall principles of GEN4.

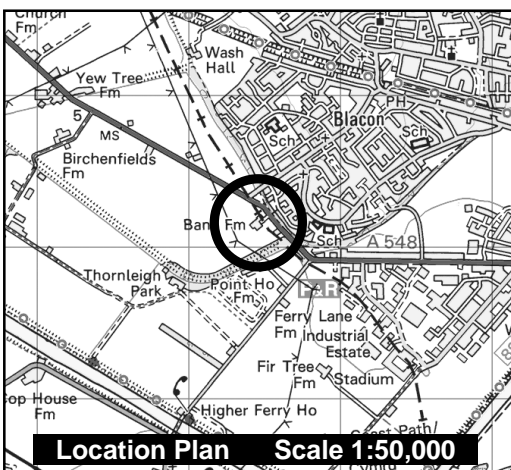
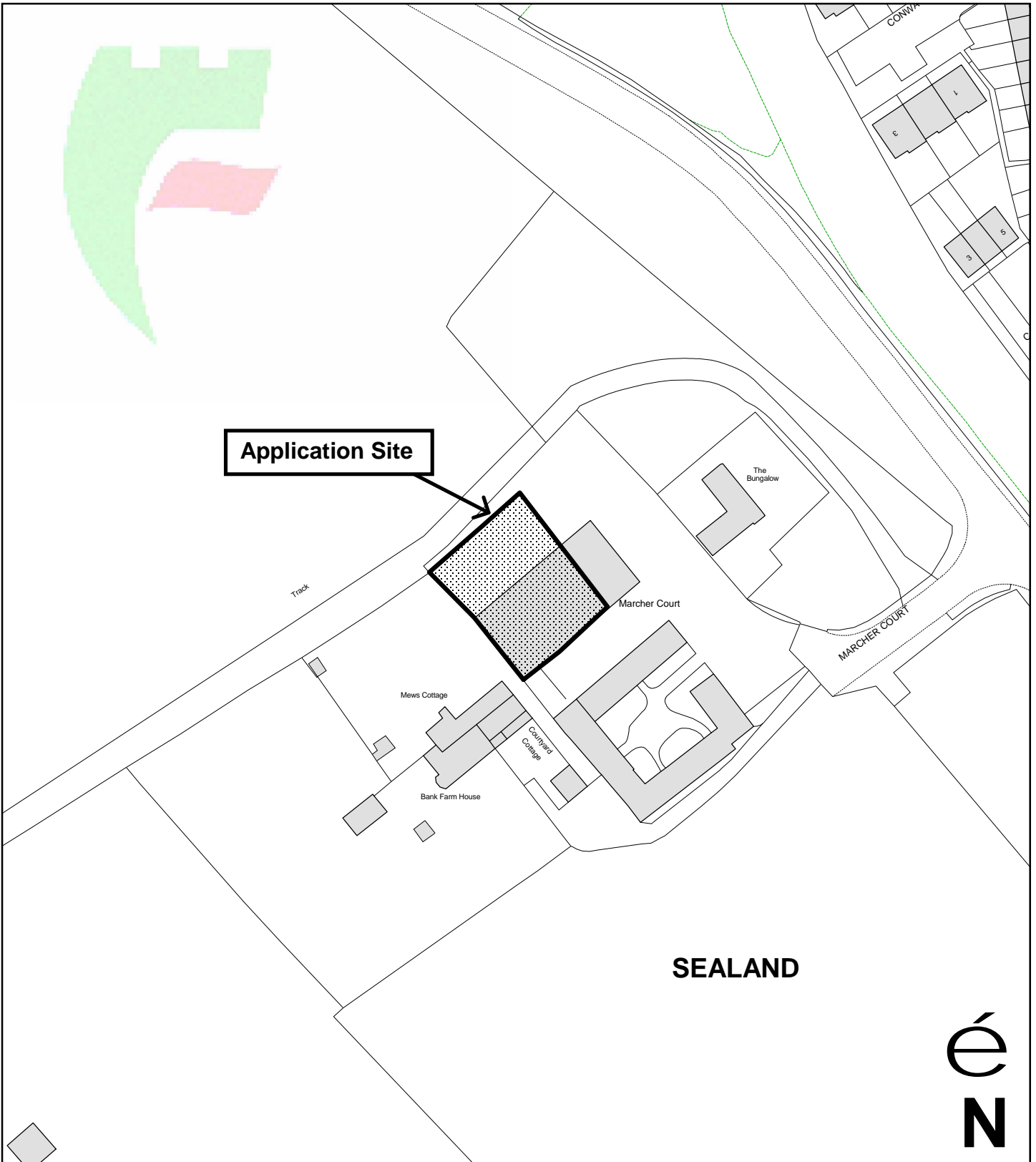
6.00 RECOMMENDATIONS

6.01 That planning permission be granted subject to the original conditions as previously resolved by the Planning Committee on the 8th of November 2017 and subject a S106 agreement limiting the outside storage to one HGV within the loading bay, and the siting of one refuse and one recycling container on the adjacent land.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **56875**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24TH JULY 2019**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **APPEAL BY MR. I. PARRY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF A TWO STOREY SIDE/REAR EXTENSION WITH EXTENSION OVER GARAGE AT 16 SPRINGFIELD CLOSE, CONNAH'S QUAY – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 059344

2.00 SITE

2.01 16 Springfield Close, Connah's Quay

3.00 APPLICATION VALID DATE

3.01 11th December 2018

4.00 PURPOSE OF REPORT

4.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under delegated powers, to refuse to grant planning permission for the erection of a two storey side/rear extension with extension over garage at 16 Springfield Close, Connah's Quay .

The appointed Planning Inspector was Mr Iwan Lloyd. The appeal was determined via the Written Representations method and was DISMISSED.

5.00 REPORT

Main Issues

- 5.01 The Inspector considered the main issue to be the effect of the proposal on the living conditions of the occupiers of No. 14 Springfield Close in relation to outlook.

Outlook

- 5.02 The Inspector noted the context of the site and its surroundings. He notes that No. 14 Springfield Close is positioned at a lower level than No. 16. The corner of the single storey garage of No.16 is positioned close to the two storey projecting bay of No.14. The corners of the properties are therefore within a metre of each side of the boundary. The combination of the difference in levels and the juxtaposition of the buildings result in the eaves of the garage of No. 16 aligning above the mid-point of No.14s two-storey projecting bay and just below the first floor window sill.
- 5.03 The Inspector notes that in this case the proposed extension due to its height, proximity and bulk would be unreasonably close to the ground and first floor windows of No. 14s two-storey bay. He further notes that the proposed windows in relation to No. 14s aspect from these windows would be diminished by this overbearing development and would be injurious to the living conditions of the occupiers of this dwelling. He adds that the proposed extension due to the difference in levels and height and proximity would loom over the ground floor window of No. 14s bay and the outlook from this property would appear oppressive.
- 5.04 The Inspector further noted that the appellant had sought to change the proposal from the preceding application by reducing the size of the first-floor front window. However, he noted that the main concern in this appeal was the impact of the development in relation to No. 14's outlook due to the size, height and bulk of the proposed extension. He concluded that for the reasons outlined above this particular proposal would not overcome this concern.
- 5.05 The Inspector consider that the proposal would conflict with Flintshire Unitary Development Plan Policies GEN1(d) and HSG12(c) because it would have an unacceptable impact on people living nearby.

6.00 CONCLUSION

- 6.01 The Inspector considered the proposal failed to accord with the identified UDP policies and national guidance in respect of the main issue. Accordingly he DISMISSED the appeal

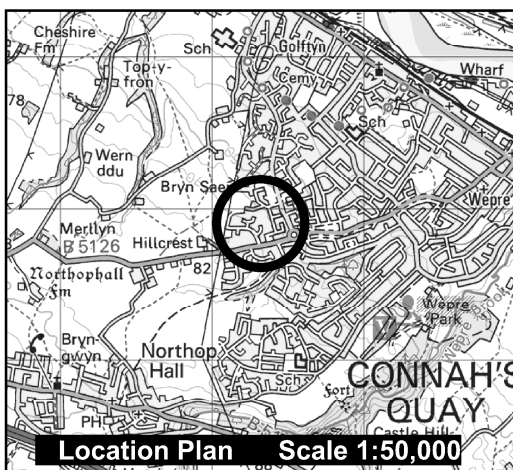
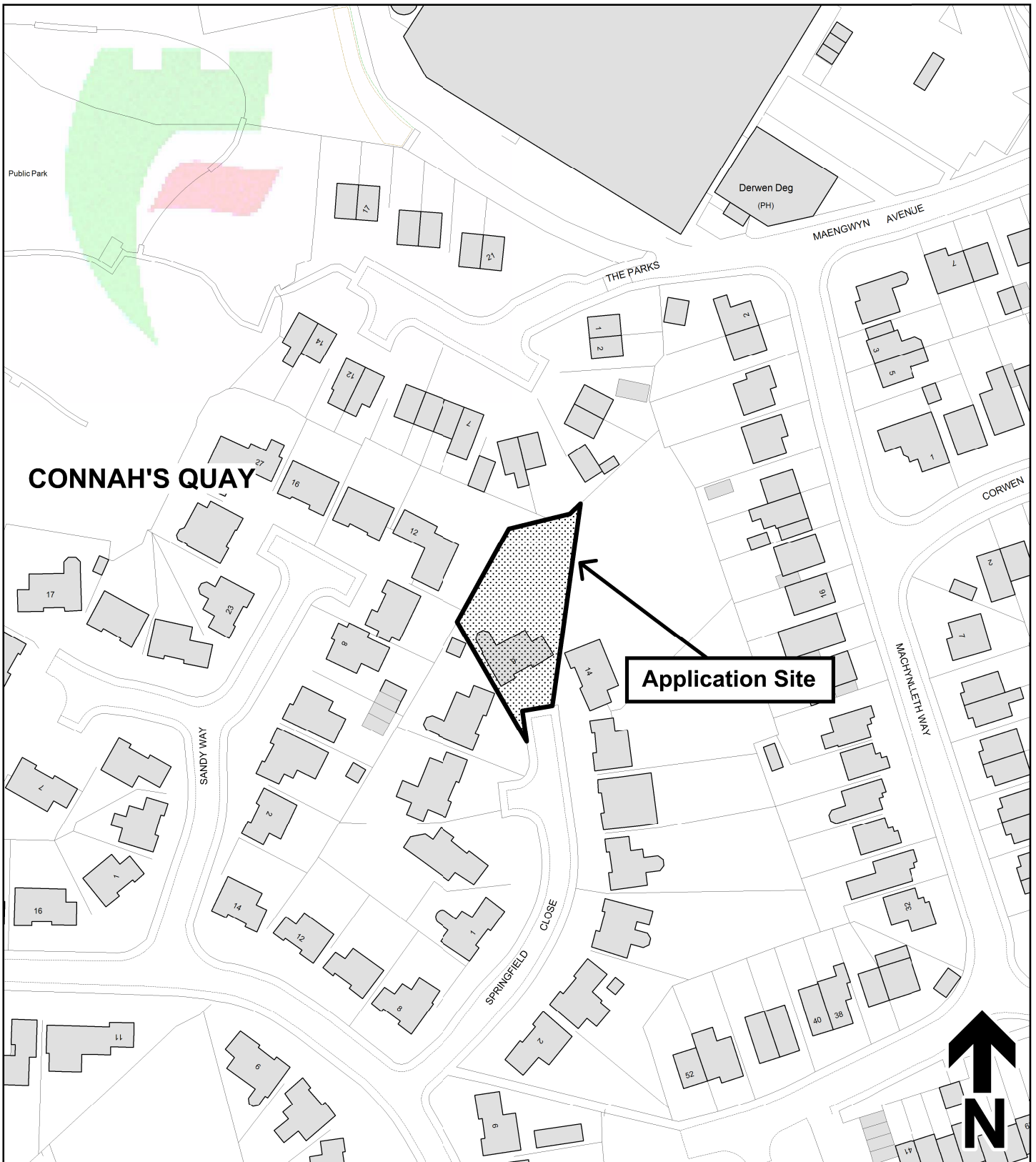
LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy

Responses to Consultation
Responses to Publicity



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 Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1250
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Planning Application	59344

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24TH JULY 2019**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **APPEAL BY MR. S. METCALF AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CONVERSION OF DISUSED CHAPEL TO 2 NO. DWELLINGS AND ERECTION OF 1 NO. DETACHED DWELLING AT ROMAN CATHOLIC PRESBYTERY, BRUNSWICK ROAD, BUCKLEY – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 058516

2.00 SITE

2.01 Former Roman Catholic Presbytery Church, Brunswick Road, Buckley.

3.00 APPLICATION VALID DATE

3.01 25th May 2018.

4.00 PURPOSE OF REPORT

To inform Members of the decision in respect of an appeal following the decision of the Local Planning Authority by Planning Committee to refuse permission for 2 No. dwellings and erection of 1 No. detached dwelling at Roman Catholic Presbytery, Brunswick Road, Buckley. The application was refused on the grounds that it would result in a detrimental impact upon the safety and amenity of residents in relation to increased traffic levels and parking provision.

4.02 The appointed Planning Inspector was Mr. I. Lloyd. The appeal was considered by the Written Representation procedure and was **ALLOWED.**

5.00 **REPORT**

5.01 The Inspector considered the main issues to be:-

- a) The effect of the proposal on highway safety and b) the effect of the proposal on the living conditions of nearby residents in relation to noise/disturbance.

5.02 **Highway Safety**

The Inspector recognised the council's concerns regarding the increase in traffic movements having regard to the adequacy of the highway network. However, It was noted that the basis of this concern is principally related to the prospect of a net increase in traffic when this is assessed against the lawful use of the site as a Chapel or for any such use falling within the same use class of development in terms of traffic generation without further restriction. The prospect of the lawful use resuming or for the buildings be used for any other non-residential institution within Class D1 of the Use Class Order 1987 is a material consideration in assessing any increase in traffic generation associated with the appeal development.

5.03 The Inspector in his report considered that there would be no net increase in traffic associated with the appeal development in comparison to the lawful use resuming. Whilst the lane network which has access onto Brunswick Road is narrow and has an uneven surface it served several residential properties including the appeal site and would continue to do so, and there is no compelling technical highway evidence to indicate that the residual impact of the development would be different in terms of traffic generation and safety.

5.04 The Inspector refers to the junction of Daisy Hill Road and Brunswick Road being on the brow of a hill and notes that delivery driver's park on the road adjacent to the junction near the retail shop restricting visibility. However, this situation hinders all existing drivers including traffic associated with the lawful use of the site. The Inspector advises situation is not made worse by the proposed development by virtue of the fore-going conclusion that there would be no net increase in traffic as a result of the proposal. In addition the concern about the parking provision is noted, but the parking layout and provision is considered acceptable for the intended uses of the site.

5.05 **Living Conditions**

The Inspector noted in relation to living conditions that the Council expresses concern about the increased use of the lanes by traffic associated with the proposed development which it contends would increase the frequency of disturbance to residents. Given the fore-going conclusions however, the Inspector concludes that the proposal would not increase traffic and there is no compelling evidence to demonstrate that the impact would be significant or

adverse or increase the activity or disturbance of existing residents in relation to the UDP Policy GEN1 criterion d.

6.00 CONCLUSION

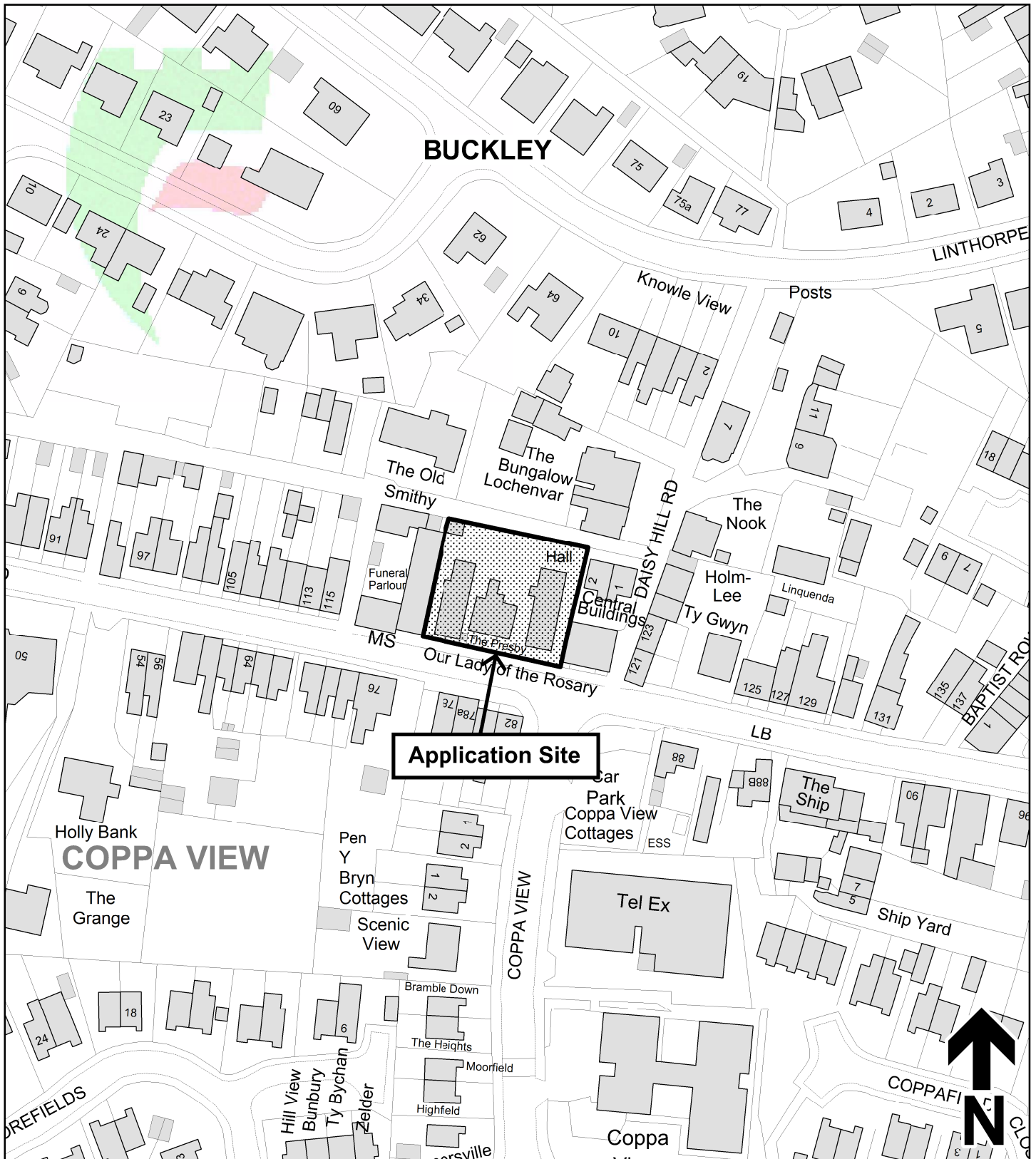
In conclusion the Inspector considered that the proposal complies with the development plan and the appeal should be **ALLOWED** subject to conditions.

LIST OF BACKGROUND DOCUMENTS

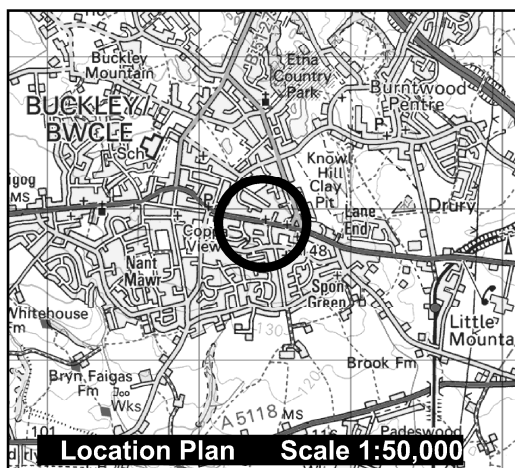
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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Application Site



Planning, Environment & Economy,
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Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **58516**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24th JULY 2019**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **APPEAL BY LINGFIELD HOMES AND PROPERTY DEVELOPMENT LIMITED AGAINST THE FAILURE OF FLINTSHIRE COUNTY COUNCIL BEING ABLE TO GIVE NOTICE WITHIN THE PRESCRIBED PERIOD OF A DECISION FOR OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, INCLUDING ACCESS, OPEN SPACE AND ALL ASSOCIATED WORKS AT WOODSIDE COTTAGES, BANK LANE, DRURY, BUCKLEY – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 **058212**

2.00 SITE

2.01 **LAND ADJACENT WOODSIDE COTTAGES, BANK LANE, DRURY**

3.00 APPLICATION VALID DATE

3.01 **15th MARCH 2018**

4.00 PURPOSE OF REPORT

4.01 To inform members of the outcome of an appeal against the decision of the Local Planning Authority to refuse planning permission for the Outline application for residential development, including access, open space and all associated works at land at Woodside Cottages, Bank Lane, Drury. The appeal was Allowed and Costs were awarded against the Council.

5.00 REPORT

- 5.01 This application was for outline consent, with all matters reserved apart from Access, is for the residential development of up to 23 units, including open space.

The application site is 0.85 hectares, with 1 and 2 Woodside Cottages in the centre of the site and a parcel of agricultural land to the southern portion of the site. Due to existing site constraints the developable area of the site is approximately 0.581 Hectares. The application site is surrounded by residential development. To the southern boundary are semi-detached properties off Pen y Coed Road and Hillside Cottages, to the east a terrace of properties know as Hawarden View, to the north and north east residential development at Dinghouse Wood and Burntwood house and west the Burntwood public house and further residential properties off Burntwood Road. A public footpath runs adjacent to the northern and eastern boundary of the site. There are a number of trees and hedgerows around the perimeter of the site and a hedgerow along the driveway to Woodside Cottages in the centre of the site. The site is located within the settlement of Drury & Burntwood in the Flintshire Unitary Development Plan.

An appeal was lodged against the failure to determine the application within the prescribed time.

Nevertheless the application was taken to the Planning committee on the 5th September 2018 and the decision was to refuse the application for the following reasons:

1. The Local Planning Authority considers that the proposal, by virtue of its inadequate access, would have an adverse impact upon highways safety and amenity contrary to policies STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan.
2. The Local Planning Authority considers that the proposed development provides a level of housing density upon the site which does not represent the best and most efficient use of development land and are concerned that the developable area of the site has been artificially reduced. As such it is consider to be contrary to the requirements of Policies STR1 and HSG8 of the Flintshire Unitary Development Plan, as well as paragraph 9.1.2 of Planning Policy Wales 9.

This decision formed the basis of the Councils case against the development.

The Planning Inspector appointed to this case, Sian Worden, considered that the main issues in the determination of this appeal to be:

- the effect of the proposed development on highway safety; and
- whether the most efficient use of the appeal site would be made with regard to the proposed density of development.

The Planning Inspector found that there is no evidence that the proposed development would fail to create a safe, healthy and secure environment or that it would not make the best use of existing roads. Furthermore, it was found, on the basis of the evidence and case submitted, that no mitigation measures are required and thus traffic management and calming are not necessary. In so far as it is necessary at this outline stage, it was considered that the scheme has taken account of personal and community safety. It would not have a significant adverse impact on the safety and amenity of nearby residents, other land users or the community in general, and it would not have an unacceptable effect on the highway network as a result of traffic generation.

The Planning Inspector noted that the approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity, and that safe vehicular access can be provided by the developer both to and from the main highway network. In all these respects the proposed development would comply with Policies STR1, STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan which was adopted in 2011.

The appeal site has several constraints including drainage easements; protection zones around the trees and hedgerows to be retained; a buffer around the existing dwelling, Burntwood House; public open space (POS) and nature reserve; and a suspected mine shaft. The Planning Inspector considered that these were all necessary and of an appropriate extent. It was noted that the indicative layout also shows that the proposed dwellings would not be widely spaced or have particularly large gardens, and there would be a reasonable mix of house sizes. In locating the access road in the drainage easement and the POS in the area sterilised by the existing house buffer, the hedgerows and trees, and the mine shaft, the suggested layout makes good use of the available space.

The proposed development would not have a significant and uncertain environmental, social, economic or cultural impact and it is not necessary to adopt Policy STR1's precautionary approach. In making the most efficient use of available land the proposed development is considered to comply with UDP Policy HSG8.

The Planning Inspector considered that as the UDP is well past its end date its housing strategy and numbers, which are implemented through policies in the housing chapter including Policy HSG3, have very limited currency. This is a significant change in circumstances from when an earlier outline application for residential development,

raised as a material consideration, was refused and then dismissed on appeal in 2011. The Council points out that paragraph 6.2 of Technical Advice Note 1 (TAN 1) *Joint Housing Land Availability Studies*, which required considerable weight to be given to the need to increase supply where councils had no five year supply of housing land, has recently been dis-applied. Nonetheless, it was the Inspectors view that the provision of over twenty dwellings in an area without a five year supply would be a considerable benefit, given that there are no compelling policy or other considerations weighing against the scheme.

The Planning Inspector was provided with a finalised copy of a unilateral undertaking through which the owner and developer covenant to pay contributions towards education and open space provision and to provide an on-site nature reserve. The education contribution, which would be spent entirely on primary school provision, is necessary because there is currently no capacity at the local primary school. The open space contribution would be used to upgrade an existing facility whilst the on-site area is necessary in the interests of great crested newts. The unilateral undertaking would be consistent with the tests set out in Regulation 122, and the limitation imposed by Regulation 123, of The Community Infrastructure Levy Regulations 2010 (CIL). It therefore carries substantial weight as a reason to grant planning permission.

The Council had requested that a payment of £2,500 per dwelling be made towards mitigating the indirect impacts on the SAC. As explained above, mitigation could be provided either by an on-site area of open space or by a financial contribution towards off-site enhancement. The proposed development would provide the first and thus this payment is not necessary and does not meet the CIL tests.

In considering the application for Costs the Planning Inspector noted that the application was refused against officers' recommendation on the grounds of highway safety and amenity, and the inefficient use of land, and that whilst a local planning authority is not bound to adopt the advice given by its officers or received from statutory consultees. It is, however, expected to show that it had reasonable planning grounds for taking a decision contrary to such advice and that it is able to produce relevant evidence to support their decision. It was not considered that the Local Planning Authority had done so on this occasion.

6.00 CONCLUSION

- 6.01 The Planning Inspector found that the proposed development would not have a detrimental effect on highway safety and would make efficient use of the land within the appeal site. They considered that the provision of market housing would also support the site's residential development. Whilst aware that there has been

considerable objection to the scheme, all the matters raised were taken into consideration but were not found sufficient in the planning balance to justify refusing a proposal which would generally be in compliance with national and local planning policy.

With regard to the Costs application, The Planning Inspector concluded that the Council behaved unreasonably in preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations as identified in the Development Management Manual. In doing so the appellant was caused the unnecessary expense of pursuing the appeal.

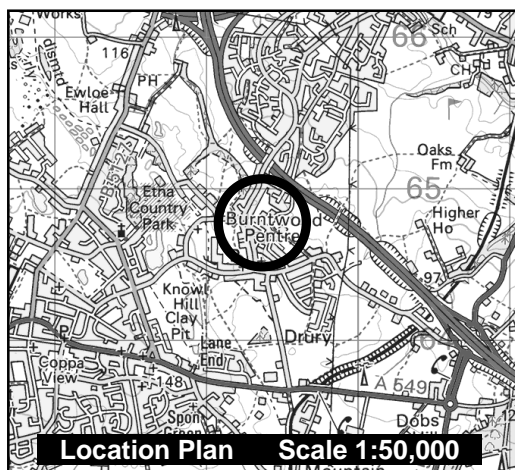
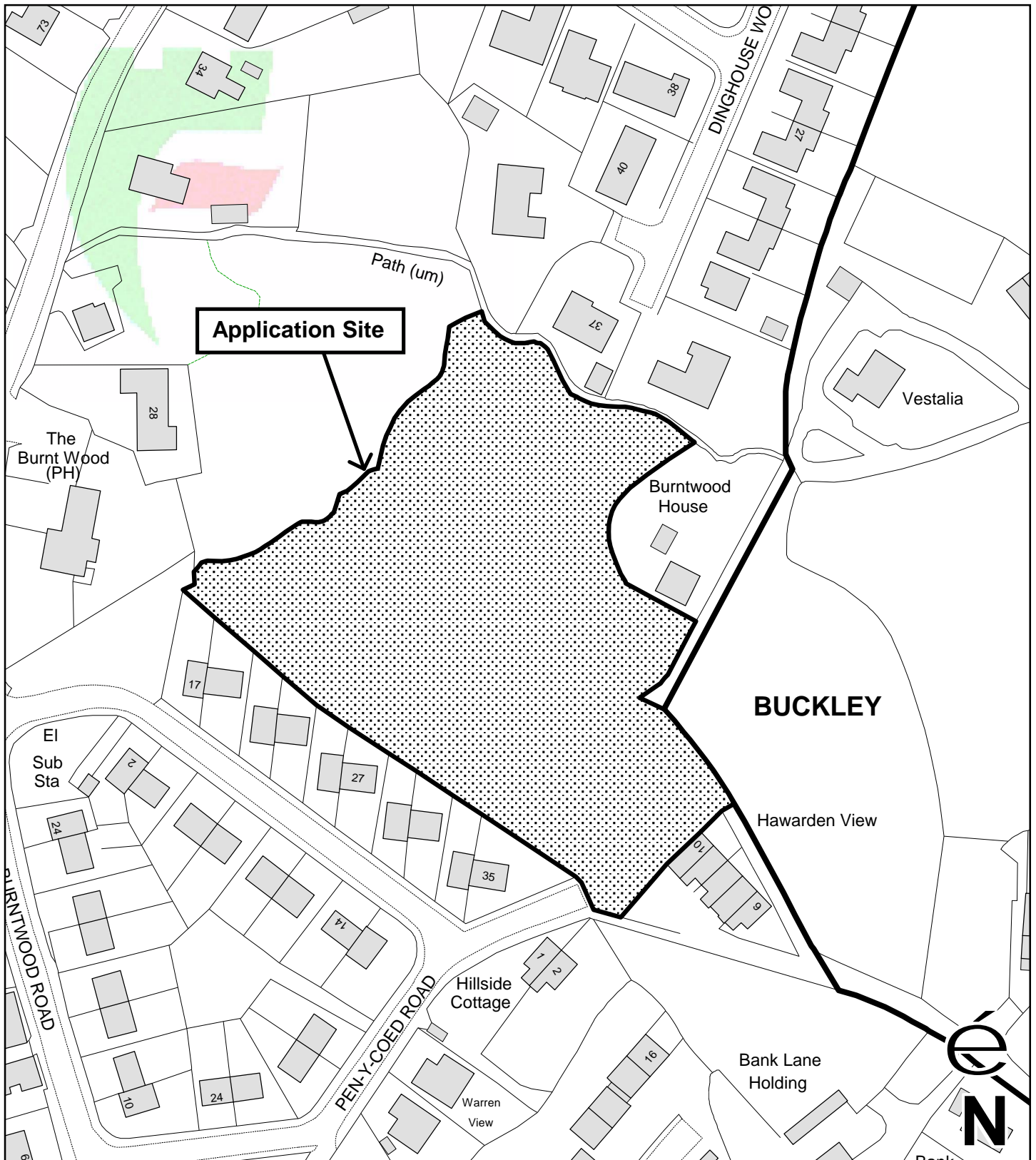
The appeal was allowed and planning permission granted for residential development, including access, open space and all associated works at land adj. Woodside Cottages, Bank Lane, Drury CH7 3EQ in accordance with the terms of the application, Ref 058212, dated 9 March 2018, and the plans submitted with it, subject to the conditions listed in the schedule at the end of this document. The Council was also ordered to pay the Appellant the costs of the appeal proceedings.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity



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Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Planning Application	58212

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